

REMARKS

Claims 13-16 are presented for consideration, with Claims 13 and 16 being independent.

Editorial changes have been made to the specification. In addition, a new abstract is being submitted to better set forth technical aspects of the invention.

In the claims, Claims 1-12 have been cancelled and replaced with Claims 13-16. Support for the new claims can be found, for example, in Figures 1-4 and the corresponding text beginning on page 13, line 1 of the specification.

Initially, Claim 6 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Without conceding to the propriety of this rejection, Claim 6 has been cancelled. This rejection is therefore deemed to be moot and should be withdrawn. It is further submitted that new Claims 13-16 are in full compliance with the particularity and distinctness requirements of the statute.

Claims 1-12, stand rejected under 35 U.S.C. §103 as allegedly being obvious over Johnson '267 in view of Kuwahara '866. This rejection is deemed to be moot in view of the cancellation of Claims 1-12. Further, it is submitted that new Claims 13-16 are patentable over the cited art.

Claim 13 of Applicant's invention relates to a display apparatus comprised of a first substrate provided with a closed container, two types of charged particles held in the closed container and having mutually different charge polarities and a substantially identical color, and first to third electrodes for generating an electric field in the closed container, with the third electrode being disposed on the first substrate. The display apparatus alternately executes a first

display operation and a second display operation. In the first display operation, the charged particles create a first distribution on a first electrode side by changing a voltage applied to the second electrode or the third electrode after a first reset operation in which the charged particles create a second distribution on a second electrode side and on a third electrode side by applying a first voltage to the second electrode and to the third electrode. In the second display operation, the charged particles create a third distribution on the first electrode side by changing a voltage applied to the second electrode or the third electrode after a second reset operation in which the charged particles create a fourth distribution, substantially identical to the second distribution, on the second electrode side and on the third electrode side by applying a second voltage, opposite in polarity to the first voltage, to the second electrode and to the third electrode.

In accordance with Applicant's invention, a high performance display apparatus capable of addressing the negative effects of residual DC voltage is provided.

The primary citation to Johnson relates to an electrophoretic display device that includes a matrix of pixels 10 provided between selection (row) electrodes 7 and data (column) electrodes 6, 6'. Each pixel is filled with an electrophoretic medium and positively charged black particles 14 and negatively charged black particles 14'. By applying voltages to the electrodes, the display device can provide a white display (Figure 2A), a black display (Figure 2B), and a grey display (Figure 2C) (see paragraphs [0028] and [0029]).

The secondary citation to Kuwahara relates to a display device and is relied on for its teaching of barrier walls and microcapsules.

Even assuming, *arguendo*, Johnson and Kuwaraha could have been combined as proposed in the Office Action, such a combination still fails to teach or suggest, among other

features, a display apparatus capable of executing a first display operation and a second display operation as set forth in Claim 13. Claim 16 relates to a driving method for driving a display apparatus and corresponds to Claim 13.

Thus, it is submitted that Applicant's invention as set forth in independent Claims 13 and 16 is patentable over the cited art. In addition, dependent Claims 14 and 15 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicant
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

SDM/vnm

FCIS_WS 3785917v1